

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1102 be amended to read as follows:

- 1 Page 34, between lines 36 and 37, begin a new paragraph and insert:
- 2 "SECTION 34. IC 36-4-6-4, AS AMENDED BY P.L.230-2005,
- 3 SECTION 86, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to
- 5 third class cities, except as provided by section 5 of this chapter.
- 6 (b) This subsection does not apply to a city with an ordinance
- 7 described by subsection (j) **or (m)**. The legislative body shall adopt an
- 8 ordinance to divide the city into five (5) districts that:
- 9 (1) are composed of contiguous territory, except for territory that
- 10 is not contiguous to any other part of the city;
- 11 (2) are reasonably compact;
- 12 (3) do not cross precinct boundary lines except as provided in
- 13 subsection (c) or (d); and
- 14 (4) contain, as nearly as is possible, equal population.
- 15 (c) The boundary of a city legislative body district may cross a
- 16 precinct boundary line if:
- 17 (1) more than one (1) member of the legislative body elected from
- 18 the districts established under subsection (b), ~~or~~ (j), **or (m)** resides
- 19 in one (1) precinct established under IC 3-11-1.5 after the most
- 20 recent municipal election; and
- 21 (2) following the establishment of a legislative body district whose
- 22 boundary crosses a precinct boundary line, not more than one (1)
- 23 member of the legislative body elected from the districts resides
- 24 within the same city legislative body district.
- 25 (d) The boundary of a city legislative body district may cross a
- 26 precinct line if the districts would not otherwise contain, as nearly as is
- 27 possible, equal population.
- 28 (e) A city legislative body district with a boundary described by
- 29 subsection (c) or (d) may not cross a census block boundary line:
- 30 (1) except when following a precinct boundary line; or

(2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

(1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and

(2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b), ~~or~~ (j), **or (m)** shall be made:

(1) during the second year after a year in which a federal decennial census is conducted; and

(2) when required to assign annexed territory to a district.

This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body is composed of five (5) members elected from the districts established under subsection (b) and two (2) at-large members.

(i) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) A city may adopt an ordinance under this subsection to divide the city into four (4) districts that:

(1) are composed of contiguous territory;

(2) are reasonably compact;

(3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and

(4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (j) and three (3) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(m) This subsection applies only if the ordinance adopted under IC 36-4-1.5-3 by the town legislative body of a town that has a

1 **population of less than ten thousand (10,000) and that changes into**
 2 **a city specifies that the city legislative body districts are governed**
 3 **by this subsection. The ordinance adopted under**
 4 **IC 36-4-1.5-3(b)(1) dividing the town into city legislative body**
 5 **districts may provide that:**

6 **(1) the city shall be divided into three (3) districts that:**

7 **(A) are composed of contiguous territory;**

8 **(B) are reasonably compact;**

9 **(C) do not cross precinct boundary lines, except as**
 10 **provided in subsection (c) or (d); and**

11 **(D) contain, as nearly as is possible, equal population; and**

12 **(2) the legislative body of the city is composed of three (3)**
 13 **members elected from the districts established under this**
 14 **subsection and two (2) at-large members.**

15 **Each voter of the city may vote for two (2) candidates for at-large**
 16 **membership and one (1) candidate from the district in which the**
 17 **voter resides. The two (2) at-large candidates receiving the most**
 18 **votes from the whole city and the district candidates receiving the**
 19 **most votes from their respective districts are elected to the**
 20 **legislative body.**

21 ~~(m)~~ **(n)** A copy of the ordinance establishing districts under this
 22 section must be filed with the circuit court clerk of the county that
 23 contains the greatest population of the city no later than thirty (30) days
 24 after the ordinance is adopted.

25 ~~(n)~~ **(o)** If any territory in the city is not included in one (1) of the
 26 districts established under this section, the territory is included in the
 27 district that:

28 **(1) is contiguous to that territory; and**

29 **(2) contains the least population of all districts contiguous to that**
 30 **territory.**

31 ~~(o)~~ **(p)** If any territory in the city is included in more than one (1) of
 32 the districts established under this section, the territory is included in the
 33 district that:

34 **(1) is one (1) of the districts in which the territory is described in**
 35 **the ordinance adopted under this section;**

- 1 (2) is contiguous to that territory; and
- 2 (3) contains the least population of all districts contiguous to that
- 3 territory."
- 4 Renumber all SECTIONS consecutively.
(Reference is to EHB 1102 as printed February 15, 2006.)

Senator LEWIS